

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-402
)	
)	D E C I S I O N
DUSTIN DAVID-FRANCIS BUSHELL,)	
)	
Defendant.)	

On September 10, 2018, Defendant was sentenced to the Department of Corrections for three (3) years, all time suspended, for Count I: Theft. As to Count III: Bail-Jumping, Defendant was sentenced to the Department of Corrections for ten (10) years, with five (5) years suspended. Count I was ordered to run consecutively to Count III. Count II was dismissed. Defendant received credit for time served of 298 days.

On February 22, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by video conferencing from Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

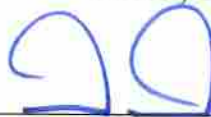
Done in open Court this 22nd day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



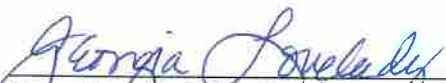
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2019, to:

Clerk of District Court (Original)
Dustin David-Francis Bushell #3013967, Defendant (2)
Hon. Robert Deschamps
Brent Getty, Defense Counsel
Brittany Williams, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division